

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

LAWRENCE R. WRIGHT

CIVIL ACTION NO. 5:14-cv-2600

VS.

SECTION P

JUDGE ELIZABETH E. FOOTE

WILLIE SHAW, ET AL.

MAGISTRATE JUDGE KAREN L. HAYES

JUDGMENT

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein, determining that the findings are correct under the applicable law, and noting the absence of objections to the Report and Recommendation in the record, and consistent with this Court's prior practice,

IT IS ORDERED that this action— insofar as it seeks monetary damages for wrongful arrest, imprisonment and prosecution – be **STAYED** under the following conditions:

- a. Within thirty (30) days of the date the state court criminal proceedings against Plaintiff have concluded, the parties must file a status report with the Clerk of Court;
- b. If, after conclusion of the state court criminal proceedings, the stay is lifted and the Court finds Plaintiff's claims would impugn the validity of his conviction, the action will be dismissed under *Heck v. Humphrey*, 512 U.S. 477 (1994); if no such finding is made, the action will proceed at that time, absent some other bar to suit such as prescription. *See Wallace v. Kato*, 549 U.S. 384, 393-94 (2007);
- c. In light of the stay, Plaintiff should not file any more documents in this action until the state court proceedings have concluded; and
- d. Defendants shall not be required to answer during the pendency of the stay, and Plaintiff may not seek a default judgment or conduct

any discovery.

IT IS FURTHER ORDERED that this action – insofar as plaintiff seeks the dismissal and expungement of the pending criminal charges and his immediate release from custody – be **DISMISSED** for failing to state a claim for which relief may be granted.

SHREVEPORT, LOUISIANA, this 9th day of July, 2015.

ELIZABETH E. FOOTE
UNITED STATES DISTRICT JUDGE

